

PATENT
Docket No.: 33677-0001Linda
8/6/03IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gary S. Borodic, M.D.
Serial No. : 10/041,830 Group Art Unit: 1645
Filed : January 8, 2002 Examiner: Patricia A. Duffy, Ph.D.
For : *The Use of Botulinum Toxin for the Treatment of Chronic Facial Pain*

RESPONSE TO RESTRICTION REQUIREMENT

BY FACSIMILE
(703) 308-4242
ATTN: Patricia A. Duffy, Ph.D.

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In response to Examiner's Restriction Requirement mailed June 24, 2003,

Applicant provisionally elects to pursue prosecution of Invention I as termed by the Examiner.

This election is made without traverse.

As per the Examiner's request, the Applicant further elects to pursue prosecution of trigeminal neuralgia, Species 1 of Group I, and the immunotype botulinum A toxin, Species 2 of Group I. The election of trigeminal neuralgia is made without traverse. However, the election of immunotype botulinum A toxin is made with traverse.

Referring to the immunotype, the initial experimentation of this invention was performed with type botulinum A toxin, the elected species. (See Specification of Application, "Detailed Description", p. 4). However, there is a high probability of effectiveness with other immunotypes, including immunotypes A-G as specified in claim 11. For the foregoing reasons, it is respectfully submitted that this restriction requirement should be withdrawn.

No fee or extension of time is believed due in connection with this response and submission. However, in the event that it is determined that an extension of time or additional

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fee is due, the Commissioner is hereby petitioned for such extension and authorized to charge
Deposit Account Number 13-3250 Order No. 33677-00000.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy LLP


Claire A. Gilmartin, Esq.
Reg. No.: 51,735

July 24, 2003

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PAT I
Docket No.: 33677-00100
GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Ga E. Borodic, M.D.
Serial No. : 10/40,830 Group Art Unit: 1645
Filed : January 8, 2002 Examiner: Patricia A. Duffy Ph.D.
For : *The Use of Botulinum Toxin for the Treatment of Chronic Facial Pain*

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.8)

Facsimile Number : (703) 384-4242
Attn: Patricia A. Duffy, Ph.D

COMMISSIONER OF PATENTS
Washington, D.C. 20231

I hereby certify that the attached:

RESPONSE TO RESTRICTION REQUIREMENT

along with any paper(s) referred to as being attached or enclosed and this Certificate of Transmission are being transmitted to the number indicated above on the date shown below.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy LLP


Claire A. Gilman
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July 24, 2003

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